

DIST/OFFICE	DOCKET YR.	NUMBER	FILING DATE MO. DAY YEAR	J	N/S	O	R	R 23	\$	DEMAND OTHER	JUDGE NUMBER	JURY DEM.	DOCKET YR.	NUMBER
1085/4	76	0369	07 08 76	4	350	1	21				8509		76	369-B

PLAINTIFFS

FARMERS INSURANCE COMPANY, INC.

DEFENDANTS

LANTZ McClain, Administrator
of the Estate of
GARY WATSON, deceased and
MARIANNE MONTGOMERY

CAUSE

28 USC 2201 Declaratory Judgment

ATTORNEYS

Ray H. Wilburn
603 Beacon Bldg.,
Tulsa, Ok. 74103

Jack B. Sellers (Montgomery)
P. O. Box 730
Sapulpa 74066 (224-9070)

Lantz McClain
430 Security Bldg.
Sapulpa, OK 74066

Allen B. Mitchell (Montgomery)
P. O. Box 190
Sapulpa, OK 74066 224-5750

☐ CHECK
HERE
IF CASE WAS
FILED IN
FORMA
PAUPERIS

FILING FEES PAID

DATE

RECEIPT NUMBER

C.D. NUMBER

STATISTICAL CARDS

CARD DATE MAILED

JS-5 8-2-76

JS-6 10-1-77

DATE	NR.	PROCEEDINGS
1976 7-8	1	Complaint, filed. Summons issued. g
7-22	--	Return on U.S. Marshal's Service, Compl. & Summons, fld. Served Marianne Montgomery in Tulsa on 7-13-76 w/fees of \$5.40. Served Lantz McClain in Sapulpa on 7-13-76 w/fees of \$6.36. v Total Fees of \$11.76.
8-2	2.	Motion to dismiss for lack of jurisdiction, by def. Montgomery, filed.rm (w/brief as part thereof)
8-2	MO	Ordered by the Ct. that pltf. is granted 10 days to respond to motion to dismiss of def. Marianne Montgomery.(AEB-J)rm-letter
8-6	3.	Response to Deft.'s Mot. to Dismiss, fld. by Pltf. v
8-9	MO	It is ordered by the Court that this case is referred to Mag. Morris L. Bradford for F&R re deft. Montgomery's mot. to dismiss. (AEB-J)k
8-18	4.	Mot. to Dismiss w/brief in support, fld. by Deft. Lantz McClain. v
8-18	MO:	Pltf. granted 10 days from this date to respond to mot. to dismiss. (AEB-J)v
8-20	5.	Pltf's response to deft. Lantz McClain's motion to dismiss., filed.s
8-30	6.	Supplemental brief in support of motion to dismiss by Deft. Montgomery, filed. b
9-29	7.	Supplemental Brief in Response of Motion to Dismiss by Deft. Montgomery, filed.lm
10-12	8.	Pltf's motion for summary judgment, filed.s
10-12	9.	Brief in support of mot. for S/J, filed.s
10-12	MO	It is ordered by the Court that the defendants file a responsive brief within ten (10) days to pltf's mot. for S/J.s (AEB-J) cps. mld.
10-13	10.	Defts' response to pltf's supplemental brief, filed.s
10-20	11.	Pltf's reply to defendant's response, filed.s
10-21	12	Deft's appli. to hold in abeyance time to respond to motion for S/J, filed w/Brief in support. lm
10-21	MO	Ordered by the Court that pltf. is granted ten days from this date to file a responsive brief to deft. Marianne Montgomery's appli. to hold in abeyance time to respond to motion for S/J. (AEB-J)lm ltrs mld.
10-22	13.	Pltf's response to deft. Montgomery's appl. to hold mot. for S/J in abeyance, filed.k
10-22	14.	Pltf's brief in opposition to appl. to hold mot. for S/J in abeyance, filed.k
12-7	15.	Order, filed, that the Mot. to Dismiss filed by deft. Marianne Montgomery is overruled.s (AEB-J) cps. mld.
12-7	16.	Order, filed, that the application to Hold in Abeyance Time to Respond to Mot. for S/J is denied and that deft. Marianne Montgomery is ordered to respond to said Mot. for S/J within 20 days from this date.s (AEB-J) cps. mld.
1977 1-3	17	Deft. Marianne Montgomery's motion for additional time to respond to motion for S/J w/brief attached, filed. lm o to J.
1-7	18.	Order, filed, granting deft. Marianne Montgomery until 1-28-77 to resp. to pltf's motion for S/J. (AEB-J)ph cps mld
2-3	19.	Deft. Marianne Montgomery's motion/ and Brief for additional time to respond to motion for S/J, filed. lm (o to J)
2-8	20.	Order, filed, granting deft. Montgomery til 2-25-77 to respond to pltf's mot. for S/J. (AEB-J)k cps mld
3-7	21	Deft. Montgcmery's response to pltf's mot. for S/J, filed.k

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. 76-C-369
Farmers Ins. Co., Inc.		Lantz McClain, et al	PAGE 3 OF 2 sheets XXXXX
DATE 1977	NR.	PROCEEDINGS	
3-8	22	Pltff's appl. for default judgment and demand for judgment against defts. on pltf's mot. for S/J, and brief in support, filed.k	
3-9	MO	It is ordered by the Court that the defts. file a responsive brief within 10 days of this date to pltf's appl. for default judgment and demand for judgment. (AEB-J)k cps mld	
3-21	23.	Deft. Montgomery's response to pltf's appl. for default judgment and demand for judgment, filed.k	
3-24	24	Pltff. reply to Deft. response. fld. ho	
3-28	25	Response of Deft. Lantz McClain, Administrator, to the Pltff. mot. for S/J. fld. ho	
5-11	MO:	Case referred to Magistrate Robert S. Rizley for Findings and Recommendations on all motions. (AEB-J) njb	
5-27	MO	Case set for hearing on Deft. McClains mot. to dismiss, Pltffs. mot. to dismiss, & appl. for default judgment and demand for judgment against Defts. on Pltffs. mot. for S/J. before Mag. on 6-10-77 at 11:30 A.M. (RSR-MAG) not. mld. ho	
6-10	Min	Case called for hrg. on pltf's mot. for S/J and appl. for default judgment and demand for judgment against defts. on pltf's mot. for S/J, and upon deft. McClain's mot. to dismiss. Parties represented. Mag. finds that, defts. having filed their responses to pltf's mot. for S/J, that pltf's appl. for default judgment should be overruled as moot. Further, that the Order of the Court dated 12-7-76 overruling deft. Montgomery's mot. to dismiss should be extended to include deft. McClain's motion to dismiss and that said mot. should be overruled. Pltff's mot. for S/J taken under advisement. Mag. to prepare findings and recommendations. (RSR-Mag)k	
8-18	MO	It is recommended by the Mag. that pltf's mot. for S/J be sustained and pltf. is ordered to prepare F&R w/in 10 days from this date. (RSR-Mag)k cps by KT	
8-23	26	Findings & recommendations of the Mag., filed. Recommends that pltf's mot. for S/J be sustained. (RSR-Mag)k cps mld	
9-6	27.	Order, filed & entered, sustaining pltf's mot. for S/J. (AEB-J)k cps mld	
9-19	28	Deft. Montgomery's mot. for new trial, filed, with request for oral argument on same.k	
10-12	MO	It is ordered by the Court that the pltf. is granted 10 days to respond to deft. Montgomery's mot. for new trial filed 9-19-77. (AEB-J)k cps mld	
10-17	29	Pltff. response to Defts. mot. for new trial. fld. ho	
10-27	30.	Order, filed, that deft's Motion for new trial is overruled.(AEB-J)b cps mld	
11-28	31.	Deft. Montgomery's notice of appeal, filed.k <i>Copies sent to Counsel; USCA</i>	
11-28	32.	Deft. Montgomery's bond for costs on appeal, filed.k	
12-22	---	Appeal record (1 vol) transmitted to 10th Circuit. rm	
12-29	---	Letter from 10th Circuit, assigning No. 77-2094. rm	
9-4-79	33	MOTION of deft. Marianne Montgomery for refund of appeal bond.k	
9-12-79	34	MANDATE & OPINION of 10th Cir., AFFIRMING, filed & spread of record.rm	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. _____
FARMERS INS. CO., INC.	LANTZ McCLAIN, et al	PAGE ____ OF ____ PAGES

DATE 1979	NR.	PROCEEDINGS
9-12	35	ORDER that Court Clerk refund \$250.00 cash appeal bond to Allen B. Mitchell, atty. for deft. Montgomery. (HDC-J)k cpy & ck/Mitchell
9-17	---	APPEAL RECORD (1 vol) received from 10th Circuit. rm